

REMARKS

In the Office Action mailed January 11, 2010, the claims 1-9, 11, 12 and 15-42 are rejected. Claims 1, 12, 15, 26, 29, 30, 32, 36, 37 and 39 are amended. Claims 10, 13 and 14 are canceled. Claims 1-9, 11, 12 and 15-42 are now pending. Withdrawal of the rejections and reconsideration and allowance of claims 1-9, 11, 12 and 15-42 are respectfully requested in view of the following remarks.

Rejections under 35 U.S.C. § 103

Claims 1-9, 11, 12, 15-29, 32, 34-37, 39 and 41-42, are rejected under 35 U.S.C. 103(a) over Sullivan et al. (US 2001/0018665 A1) in view of Voltmer (US 2002/0143626 A1) in view of Mitchell (7,496,525). Claims 31, 33, 38, and 40 are rejected under 35 U.S.C. 103(a) over Sullivan et al. (US 2001/0018665 A 1) in view of Voltmer (2002/0143626) in view of Mitchell (7,496,525) in view of Woolston (US 5,845,265).

Applicant submits that Independent Claims 1, 15, 29 and 36 as amended are allowable over the references cited by the Examiner. For example, Claim 1 covers a method for the purchase and sale of products that distributes a manufacturer incentive solely to the manufacturer of a product as a result of a third sale transaction. The first purchaser, seller and purchaser of the product do not receive an incentive from the third sale transaction. These and other limitations recited in the pending claims are neither suggested nor disclosed in the references cited by the Examiner.

Dependent Claims 2-9, 11, 12, 16-28, 30-35, and 37-42 depend from and therefore include all of the limitations of the claims on which they depend, in addition to reciting additional features of particular advantage and utility. Therefore Applicant contends that all of these dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Reconsideration and allowance of pending Independent Claims 1, 15, 29 and 36 including all claims dependent thereon is respectfully requested.

It shall be understood herein that any instance in which the Applicant has addressed certain comments of the Examiner shall not be construed as a concession to other comments or arguments advanced by the Examiner. Furthermore, any circumstance in which the Applicant has made arguments for the patentability of some claims does not mean that there are not other valid reasons for patentability of those claims and other pending claims. Any circumstance in which the Applicant has amended or canceled a claim also does not mean necessarily that the Applicant concedes to the arguments or positions advanced by the Examiner with respect to that claim or other claims pending herein.

CONCLUSION

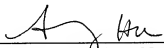
Applicant submits that this paper fully addresses the Office Action mailed on January 11, 2010. Should the Examiner have any question, the Examiner is encouraged to contact the undersigned.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-2415 (Attorney Docket No. 38606-701.201) for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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